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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,933	09/28/2000	David L. Jensen	00AB184	7589

7590 09/09/2004

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EXAMINER

KOSOWSKI, ALEXANDER J

ART UNIT PAPER NUMBER

2125

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,933

Applicant(s)

JENSEN ET AL.

Examiner

Alexander J Kosowski

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 29-34 is/are allowed.
- 6) ☒ Claim(s) 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

- 1) Claims 1-34 are presented for examination in light of the amendment filed 5/24/04.

Claim Objections

- 2) The claim objections from the previous office action are withdrawn in light of the amendment filed 5/24/04.

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- 3) Examiner notes that copies of related applications filed along with the amendment on 5/24/04 have been received. However, a new clean form PTO-1449 will need to be filed in response to this office action in order to allow examiner to indicate that they have been considered.

Allowable Subject Matter

- 4) Claims 1-23 and 29-34 are allowed.
- 5) The following is an examiner's statement of reasons for allowance:

Referring to claims 1-23 and 29-34, the claims are allowable for the reasons cited by attorney in the "Remarks" section of the amendment filed 5/24/04.

- 6) Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

- 7) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8) Claims 24 and 26-28 are rejected under 35 U.S.C. 102(b) as being unpatentable by Vivers (U.S. Pat 5,672,943).

Referring to claim 24, Vivers teaches a database including data representative of function and location of programmable electrical components in an installation (col. 1 lines 30-60), and a configurator adapted to access data from the database and to transmit the function and location data to respective programmable electrical components (col. 2 line 66 through col. 3 line 9).

Referring to claim 26, Vivers teaches that components are mounted in an enclosure in the installation and that the location data in the database represents a final location of the components within an enclosure (col. 3 lines 2-9).

Referring to claim 27, Vivers teaches that the components are coupled to a data network and the data transmitted to the components is accessible via the data network (col. 3 lines 2-9 and Figure 1).

Referring to claim 28, Vivers teaches that the configurator is adapted to transmit the data to the components via the data network (col. 3 lines 2-9 and Figure 1).

Claim Rejections - 35 USC § 103

9) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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- 10) Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vivers.

Referring to claim 25, Vivers teaches assembling a plurality of programmable devices within a system (col. 1 lines 30-42). However, Vivers does not explicitly teach that transferring portions of the database to each programmable device is at least partially performed prior to final assembly of the system.

It is respectfully submitted that a device may be programmed at any point either before or after final assembly in a system, and the skilled artisan would have found it an obvious modification to transfer portions of the database to each programmable device prior to final assembly within the application disclosed by Vivers with the motivation that transferring data to a programmable device before final assembly would allow a programmable device to be placed anywhere in a system and would not require it to be in full time communications with a network to receive data, which would increase system flexibility.

Conclusion

- 11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Helf, Jr. et al (U.S. Pat 3,764,995) – teaches a programmable test system.

- 12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 703-305-3958. The examiner can normally be reached on Monday through Friday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone number for the

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organization where this application or proceeding is assigned is (703) 872-9306. In addition, the examiner's RightFAX number is 703-746-8370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Alexander J. Kosowski
Patent Examiner
Art Unit 2125

A handwritten signature in black ink, appearing to read "L. Picard", written in a cursive style.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100